

## REMARKS

Claims 17 and 18 have been amended. Thus, claims 13-18 are pending in the application.

Claims 17 and 18 were rejected under 35 U.S.C. § 112, first paragraph, as failing comply with the written description requirement. Claim 17 was amended to delete the word "query." Support for claim 17 as presently amended can be found in the specification as originally filed on page 25, lines 15-30 and page 26, lines 1-14.

Claim 18 was also amended to clarify that the identification device is a passive identification device that is configured to provide patient identification upon receiving a signal from a sensor, the sensor also being configured to retrieve the patient identification data from the passive device. Applicant respectfully submits that claims 17 and 18 as amended now satisfy the requirements of 35 U.S.C. § 112, first paragraph, and respectfully requests that they be allowed.

Claims 13-18 were also rejected under the judicially created doctrine of obviousness type double patenting in view of the claims of U.S. Patent No. 6,671,563. A Terminal Disclaimer disclaiming any term beyond the term of U.S. Patent No. 6,671,563 is included herewith. Accordingly, Applicant requests that the rejection be withdrawn and the claims allowed.

## CONCLUSION

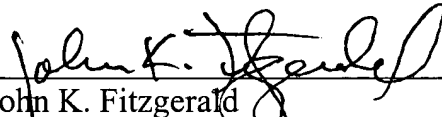
Applicant has carefully reviewed the arguments presented in the Office Action and respectfully requests entry of the amendment and reconsideration of the claims in view of the remarks presented above.

Should the Examiner have any questions concerning the above amendments and arguments, or any suggestions for further amending the claims to obtain allowance, Applicant requests that the Examiner contact Applicant's attorney, John Fitzgerald, at 310-242-2667.

Please charge any additional fees payable in connection with this Amendment to our Deposit Account No. 06-2425.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By:   
John K. Fitzgerald  
Registration No. 38,881

JKF:vmm

Howard Hughes Center  
6060 Center Drive, Tenth Floor  
Los Angeles, CA 90045  
Telephone: (310) 824-5555  
Facsimile: (310) 824-9696  
Customer No. 24201  
72119.1